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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MANUEL MACHADO ALVAREZ,

Petitioner,

No. 2:97-cv-01895 GEB KJN

vs.

DEATH PENALTY CASE

WARDEN,
San Quentin State Prison,

Respondent.

ORDER

On October 6, 2011, the undersigned held a status and scheduling conference. Jennifer Mann and Harry Simon appeared for petitioner. Laura Simpton appeared for respondent. After considering the parties' September 22, 2011 Joint Statement and the arguments of counsel, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. Within 180 days of the filed date of this order, petitioner shall file a memorandum of points and authorities addressing the satisfaction of 28 U.S.C. § 2254(d) for each claim in the second amended petition.

2. Within 180 days of the filing date of petitioner's memorandum, respondent shall file an opposition. By addressing the merits of section 2254(d) first, respondent does not waive any procedural default defenses.

3. Within 90 days of the filing date of respondent's opposition, petitioner may file

1 a reply.


2 4. Extensions of these filing deadlines will be granted only upon a showing of
3 extraordinary circumstances.

4 5. After receipt of the briefs, the court will schedule argument, if necessary.

5 DATED: October 7, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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